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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,077	02/19/2002	Katsutoshi Tenma	UNIUS6.001AUS	7042
20995	7590	03/17/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			MARSH, STEVEN M	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3632	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,077

Applicant(s)

TENMA ET AL

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5-9 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 5-9 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fifth office action for U.S. Application 10/079,077 for a Supporting Device for Non-Averaged Force filed by Katsutoshi Tenma et al. on February 19, 2002. Claims 3, 5-9, and 15-22 are pending. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 5-9, and 15-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is claiming the supporting device in claims 3, 5-9, and 15-22, but it is unclear whether Applicant is also attempting to claim the pipe because the claims contain limitations to the pipe. For examination purposes, it is assumed that Applicant is only claiming the support body. Claims 5, 6, and 19, claim "a mounting seat portion to be fixed to a supporting plane". It is unclear how an object can be fixed to a plane and therefore, for examination purpose, the claims have been examined without this limitation.

Claim Rejections - 35 USC § 102

Claims 7, 8, and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Smith. Smith discloses a detachable frame with first and second receiving portions that are half of the frame (14 and 15), which is adapted to encircle a pipe and be fixed to a supporting portion. There is a fixing mechanism (35) with edge portions formed on an inner surface of the frame, that fixes the pipe body to the frame, and the fixing mechanism is arranged in that a plurality of wedge bodies (or movement blocking bodies, 38) are provided, that are capable of blocking movements of the pipe body in a pipe axial direction with respect to the frame being pressed against an outer surface of the pipe body, through pressing force acting from the frame towards the pipe body. The wedge bodies are disposed at specified intervals in the pipe axial direction and the edge portions (ends of 38) receive an outer surface of the pipe body from one side in a radial direction of the pipe body by pinching the pipe body. The edge portions are formed on a half portion of the inner circumference of the frame in a circumferential direction and there are male screw members (37) provided on another half portion of the inner circumference of the frame.

The portion of the inner circumference and another portion of the inner circumference face each other (14 and 15), and the male screw members press against an outer surface of the pipe body at their tip end portions when the male screw members are screwed into female screw portions formed in the frame. The male screw portions have indents (the threads) and the edge portions of the wedge bodies are arc-shaped. The edge portions are set in a posture that is in line with a peripheral direction

of the first receiving portion or the second receiving portion, and a plurality thereof is disposed at specified intervals in the peripheral direction and an axial core direction of the first receiving portion or the second receiving portion. Portions of the edge portion are inclined (due to the arc-shape) with respect to the axial core direction of the first receiving portion and the top surface of the wedge portions (or movement blocking bodies) are pressed by screw members (37) into the outer surface of the pipe body.

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of U.S. Patent 5,772,252 to Malani. Smith does not disclose the wedge bodies being set in a condition such that the directions of wedge actions of a pair of wedge bodies are opposite with respect to each other in the pipe axial direction. Malani discloses a pipe holder with a fixing mechanism comprising a wedge body (71) and a screw member (40) that presses the wedge body into a pipe body (30). The bolt is inserted at an angle such that the bolt breaks at a specified at a predetermined torque limit to avoid having to replace the entire wedge body if the head breaks. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a fixing mechanism arrangement such as the on taught by Malani, in place of the arrangement taught by Smith, for the purpose of providing a means that avoids the need to replace the entire arrangement if the head breaks. Smith in view of Malani does not specifically disclose the force of a pair of wedge bodies as opposite in the axial direction. However, the orientation of each wedge body would be a matter of

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engineering preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 5, 6, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,966,528 to Christie in view of Smith. Christie discloses a supporting device for pipes with a frame comprised by integrally forming a mounting seat portion (21), a pipe supporting portion (10), and a rib (20) in line with the pipe axial direction. The mounting seat portion, pipe supporting portion, and rib are integrally formed and are a rigid arrangement. The supporting portion has a concave portion (F) for receiving a portion of the ring body. Christie does not disclose a pipe supporting portion as claimed by Applicant. However, Smith discloses the pipe supporting portion (ring body or belt body) disclosed by Applicant as discussed above in the rejection of claims 7, 8, and 15. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the pipe supporting portion taught by Smith, in place of the pipe supporting portion taught by Christie, for the purpose of providing a pipe support that limits movement of a pipe body.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over f Smith. Smith does not disclose a top portion with rounded edges. However, the specific shape of the wedge bodies appears to be a matter of design preference that would be obvious to one of ordinary skill in the art at the time of the present invention, as it doesn't appear to serve any specific function.

Response to Arguments

Applicant's arguments filed December 13, 2005 have been fully considered but they are not persuasive. Applicant argues that Smith does not disclose edge portions on the fixing mechanisms. However, the examiner disagrees. As best seen in figure 5, the fixing mechanisms of Smith have edge portions for contacting the pipe body in the inner circumference of the frame. Applicant also argues that the blocking member is not supported by the frame, but the entire arrangement of Smith is supported by the frame either directly or indirectly. Applicant also argues that the rib, mounting seat portion, and pipe supporting portion of Christie are not rigidly integrally formed. However, the elements are integrally formed in Christie (integral is not limited to one-piece) and the arrangement appears rigid. Applicant argues that Smith does not disclose one or three or more edge portions, but the Examiner argues that anything that has two of edge portions, inherently has one.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., orientation with respect to the pipe axial direction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). If Applicant is not claiming the pipe body, what is the pipe body axial direction or radial direction?

In response to Applicant's contention that "integrally formed" means "shaped or fashioned as a whole", the examiner agrees. However, if integral means whole or

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complete and formed means "shape; fashion" as Applicant contends, then "integrally formed" could reasonably be interpreted as fashioned to be integral, which is no different than assembled to be integral.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

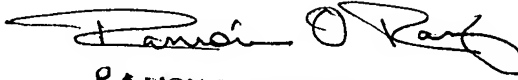
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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

SM

Steven M. Marsh

March 13, 2006


RAMON O. RAMIREZ
PRIMARY EXAMINER